

Part 1 General Provisions

63G-7-101 Title -- Scope of waivers and retentions of immunity.

- (1) This chapter is known as the "Governmental Immunity Act of Utah."
- (2) The scope of the waivers and retentions of immunity found in this comprehensive chapter:
 - (a) applies to all functions of government, no matter how labeled; and
 - (b) governs all claims against governmental entities or against their employees or agents arising out of the performance of the employee's duties, within the scope of employment, or under color of authority.
- (3) A governmental entity and an employee of a governmental entity retain immunity from suit unless that immunity has been expressly waived in this chapter.

Amended by Chapter 342, 2015 General Session

63G-7-102 Definitions.

As used in this chapter:

- (1) "Claim" means any asserted demand for or cause of action for money or damages, whether arising under the common law, under state constitutional provisions, or under state statutes, against a governmental entity or against an employee in the employee's personal capacity.
- (2)
 - (a) "Employee" includes:
 - (i) a governmental entity's officers, employees, servants, trustees, or commissioners;
 - (ii) members of a governing body;
 - (iii) members of a government entity board;
 - (iv) members of a government entity commission;
 - (v) members of an advisory body, officers, and employees of a Children's Justice Center created in accordance with Section 67-5b-104;
 - (vi) student teachers holding a letter of authorization in accordance with Sections 53A-6-103 and 53A-6-104;
 - (vii) educational aides;
 - (viii) students engaged in providing services to members of the public in the course of an approved medical, nursing, or other professional health care clinical training program;
 - (ix) volunteers as defined by Subsection 67-20-2(3); and
 - (x) tutors.
 - (b) "Employee" includes all of the positions identified in Subsection (2)(a), whether or not the individual holding that position receives compensation.
 - (c) "Employee" does not include an independent contractor.
- (3) "Governmental entity" means the state and its political subdivisions as both are defined in this section.
- (4)
 - (a) "Governmental function" means each activity, undertaking, or operation of a governmental entity.
 - (b) "Governmental function" includes each activity, undertaking, or operation performed by a department, agency, employee, agent, or officer of a governmental entity.
 - (c) "Governmental function" includes a governmental entity's failure to act.

- (5) "Injury" means death, injury to a person, damage to or loss of property, or any other injury that a person may suffer to the person or estate, that would be actionable if inflicted by a private person or the private person's agent.
- (6) "Personal injury" means an injury of any kind other than property damage.
- (7) "Political subdivision" means any county, city, town, school district, community reinvestment agency, special improvement or taxing district, local district, special service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation.
- (8) "Property damage" means injury to, or loss of, any right, title, estate, or interest in real or personal property.
- (9) "State" means the state of Utah, and includes each office, department, division, agency, authority, commission, board, institution, hospital, college, university, Children's Justice Center, or other instrumentality of the state.
- (10) "Willful misconduct" means the intentional doing of a wrongful act, or the wrongful failure to act, without just cause or excuse, where the actor is aware that the actor's conduct will probably result in injury.

Amended by Chapter 350, 2016 General Session